

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**HEALTH CARE/PROVIDERS: Protects persons from liability, discrimination, and employment action for refusing to provide certain health care services**

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DIGEST

Proposed law allows a person to elect not to provide certain health care services that violate his conscience, to the extent that patient access to health care is not compromised. Further protects persons from punitive measures such as liability, discrimination, adverse employment action, prejudice, or general damage for refusing to provide certain health care services.

Proposed law provides that proposed law shall not prevent any employer or patient from inquiring whether a person declines to participate in certain health care services.

Proposed law provides that when a patient requests certain health care services, a person, shall identify in writing, his declination to provide those services in accordance with proposed law.

Proposed law provides that the provisions of proposed law shall not be construed to relieve any health care provider from providing emergency care as required by law.

Proposed law provides any pharmacy who employs a pharmacist which declines to participate in any health care service that violates his conscience, shall post a conspicuous notice in the pharmacy area of the facility which sufficiently notifies the public that the pharmacy has employed a pharmacist which will decline to provide health care service based upon a claim of a sincerely held religious belief or moral conviction.

Proposed law further provides that all persons who have a sincerely held religious belief or moral conviction and who seek employment at a health care facility shall notify the prospective employer of the existence of any sincerely held religious belief or moral conviction. Any health care facility that employs a person with a sincerely held religious belief or moral conviction shall ensure that the health care facility has sufficient staff to provide patient care in the event an employee declines to participate in any health care service that violates his conscience.

Proposed law provides that a person shall notify his employer in writing as soon as practicable of any health care service which violates his conscience. A person shall notify any patient before such person provides any consultation or service to the patient of the existence of a health care service which he will decline to provide because the health care service violates his conscience.

Proposed law defines "conscience" as a sincerely held religious belief or moral conviction.

Proposed law defines "health care service" to be limited to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.

Proposed law requires that a suit brought for a violation of proposed law be in accordance with R.S. 23:303.

Proposed law provides that DHH is authorized to accept intergovernmental transfers from local governing bodies, including but not limited to a parish, for the purpose of enhancing the delivery of health care services for the uninsured and Medicaid patients.

Proposed law provides for legislative intent.

Proposed law provides that DHH may establish a methodology utilizing a pool, or pools, to facilitate distribution of any transfers received in addition to any federal financial participation earned through the use of such transfers, as authorized herein. Proposed law further provides that such methodology shall be created with the intent to maximize, to the fullest extent possible, the return to the providers located within the jurisdiction of the local governing body from which such transfer is derived. The department may create criteria for qualification to participate in any pool methodology and to establish criteria and priorities for reimbursement within the respective pool. Any such criteria may include health care providers which reside outside the jurisdiction of the transferring body.

Proposed law authorizes DHH to submit waivers or state plan amendments to the Centers for Medicare and Medicaid Services (CMS) in order to secure federal financial participation in relation to any such payments or reimbursement. Payments shall only be made in accordance with an approved waiver or state plan amendment.

(Adds R.S. 40:1299.35.9 and 1300.291)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Provides for an employer or patient to inquire whether a person, employer, or entity declines to participate in certain health care services due to an objection of conscience.
2. Adds a procedure for the notification of a declination of services.
3. Changes the definition of "conscience" to a sincerely held religious belief or moral conviction.
4. Changes the definition of "health care service" to an illustrative, but not exclusive list of certain procedures.
5. Requires suits for a violation of proposed law to be brought in accordance with R.S. 23:303.

#### House Floor Amendments to the engrossed bill.

1. Restricts the application of proposed law to public employers and public entities.
2. Limits the definition of "health care service" to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.

#### Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill.

1. Technical amendments.
2. Deletes all references to "employer" or "entity"
3. Adds that a person can not decline to participate in a health care service that violates his conscience if such declination would result in a patient's access to health care being compromised.

4. Requires a pharmacy who employs a pharmacist who will decline to participate in any health care service that violates his conscience to post a conspicuous notice in the pharmacy area of the facility which notifies the public.
5. Requires all persons who have a sincerely held religious belief or moral conviction to notify their prospective employer of the existence of such belief.
6. Requires any health care facility which employs a person who will decline to participate in a health care service that violates his conscience to ensure that such facility has sufficient staff to provide patient care in the event an employee declines to participate in any health care service.
7. Requires a person to notify his employer in writing as soon as practicable of any health care service which violates his conscience. Additionally requires a person to notify any patient before such person provides consultation or service to the patient of the existence of a health care service which he will decline to provide because the health care service violates his conscience.
8. Deletes the definition for "participate."
9. Allows the Department of Health and Hospitals to accept intergovernmental transfers from local governing bodies.